



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

CRS

Docket No: 4138-00

19 October 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 27 December 1988 at age 22. A psychiatric evaluation, conducted on 13 June 1989, found that you were a lesbian. Subsequently, on 15 September 1989, you were separated with an honorable discharge by reason of homosexuality. At that time you were assigned a reenlistment code of RE-4.

The Board noted that an RE-4 reenlistment code is authorized by regulatory guidance and must be assigned to individuals who are discharged for homosexuality. In this regard, there is no evidence of record that the recruiter knew of your homosexuality. Further, current guidance states that an individual who states she is homosexual may be discharged since such a statement creates a presumption that the individual engages in homosexual acts, or intends to do so, or has a propensity to do so. The Board thus concluded that there is no error or injustice in your reenlistment code. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director